IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CONTEMPT PETITION NO.216 OF 1994

Damodar Dama Bhoir,
aged adult, residing at
Madhavbaug Old Society,
Post Arnale, Taluka Vasai,
Dist: Thane. .... Petitioner

- Versus -

1. Janardhan Raghunath Vaze,
aged adult

2. Harischandra Raghunath
Vaze, aged adult

Both residing at Dharmeshwar,
Post Arnale, Taluka Vasai,
District: Thane.

3. Chintaman Devji Bhoir,
aged adult, residing at
Madhavbaug Old Society,
Post Arnale, Taluka Vasai,
Dist: Thane. .... Respondents

None present.

**CORAM:** R.M.S. KHANDEPARKAR, J.

**DATED:** NOVEMBER 22, 2004

**ORAL JUDGMENT:**

1. None present. Perused the records.

2. The grievance of the petitioner relates to disobedience by the respondents of the order passed in the Writ Petition No.424 of 1994. By the said order, which was passed on 6-1-1994, it appears that the

respondents were restrained from interfering, or in any manner disturbing the petitioner's occupation or cultivation of the suit lands bearing S.No.608, Hissa No.8, S.No.609, Hissa No.7 and S.No.608, Hissa Nos.4, 5 and 9 in the village of Agashe, Taluka Vasai, District Thane. It is the grievance of the petitioner that inspite of the said order, the respondents have filed an application to the Talathi for recording of possession of the suit lands with the respondents and the Talathi had issued notice on 19-5-1994. The order being to restrain the respondents from disturbing the possession of the petitioner, merely because the respondents have filed an application for mutation of their names in the records of right in relation to the crop yield from the suit plots, that itself cannot lead to the conclusion of alleged interference in the possession of the suit plots with the petitioner and for the same reason, it does not warrant contempt proceedings against the respondents. Hence there is no case for proceeding for contempt of Court against the respondents. The petition, therefore, is rejected.

---